



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Sections 25.15, 25.18, 25.19, 25.21, and 25.22 in Chapter 1, Division 1, Article 2.1 of Title 13, California Code of Regulations, Employer Testing Program.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M., SEPTEMBER 19, 2005, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by section 1651 of the Vehicle Code, in order to implement, interpret or make specific sections 12804.9 and 15250 of the Vehicle Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The department is authorized in Part 383 of Title 49 of the Code of Federal Regulations (CFR) and Vehicle Code Section 12804.9 and 15250 to use third party testers to conduct the commercial behind the wheel driving test, under specified conditions. Included among these conditions are the requirements that the tests administered by the third party are the same as

those that would otherwise be given by the department, and the third party examiners meet the same qualification and training standards as State examiners.

The Employer Testing Program is a voluntary federal and state regulated program that allows States to utilize a third-party tester to conduct the drive test portion of the commercial driver license test for Class A, Class B, and the non-commercial Class A and B firefighter restricted licenses. The department defines third-party testers as "Employers," requiring an employer-employee relationship between the company and the drivers that they intend to certify at the time of training, testing, and certification.

The amendment of the existing regulations will provide the department with a mechanism for ensuring that all examiners who conduct driving tests in the Employer Testing Program maintain the evaluation skills necessary for adequately assessing the driving ability of the drivers taking the drive test. This ensures that only proficient drivers are granted class A and B driver licenses based on their party testing.

Emergency regulations were adopted by the department and approved by the Office of Administrative Law on March 30, 2005, to amend sections 25.15, 25.18, 25.19, 25.21, and 25.22, Title 13, Division 1, Chapter 1, Article 2.1, California Code of Regulations. The regulations establish testing minimums for third party examiners and increase the examiner training class fee. This proposal will make the emergency regulations permanent.

FISCAL IMPACT STATEMENT

- Cost or Savings To Any State Agency: Minimal impact to state agencies because of low participation in the program.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The proposed regulatory action may affect small businesses and entities with little or no certification activity on a yearly basis. Examiners working exclusively for these entities would be required to attend refresher training in order to resume their ability to conduct driver testing. Examiner refresher courses may be held in geographic locations that would require travel expenses that may include overnight hotel stays, airfare and rental car and other expenses.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states
- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action may affect small businesses and entities with little or no certification activity on a yearly basis. Examiners working exclusively for these entities would be required to attend refresher training in order to resume their ability to conduct driver testing. Examiner refresher courses may be held in geographic locations that would require travel expenses that may include overnight hotel stays, airfare and rental car and other expenses.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Christie Patrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-5567 or cpatrick@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordi-

nator, Deborah Baity, at (916) 657-5690 or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov, Other Services, Legal Affairs Division, Regulatory Actions Web Page.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

NOTICE OF INTENTION TO ADOPT THE CONFLICT OF INTEREST CODE OF THE CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

NOTICE IS HEREBY GIVEN that the California Institute for Regenerative Medicine ("CIRM"), pursuant to the authority vested in it by section 87300 of the Government Code, proposes to adopt its Conflict of Interest Code. The purpose of the code is to implement the requirements of sections 87300 through 87302.

CIRM proposes to adopt a Conflict of Interest Code to include positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

Copies of the proposed code are available and may be requested from the contact person set forth below or downloaded from the CIRM website at www.cirm.ca.gov.

Any interested person may submit written statements, arguments, or comments relating to the proposed code by submitting them in writing no later than **Monday, September 19, 2005** (last day of the 45-day period), or at the conclusion of the public hearing, if any, whichever comes later, to the contact person set forth below. The text of the proposed code along with instructions on how to submit written statements, arguments, or comments in response to the proposed code will be accessible through the agency's website www.cirm.ca.gov under the heading Laws/Regulations.

At this time, no public hearing has been scheduled concerning the proposed code. If any interested person or the person's representative requests a public hearing, he or she must do so in writing no later than **Sunday, September 4th, 2005** (15 days before the close of the written comment period), to the contact person set forth below.

CIRM has prepared a written explanation of the reasons for the proposed code and has available the information on which the code is based. Copies of the proposed code, the written explanation of the reasons, and the information on which the proposed code is based may be obtained by contacting the contact person set forth below.

CIRM has determined that the proposed code:

1. Imposes no mandate on local agencies or school districts.
2. Imposes no costs or savings on any state agency.
3. Imposes no costs on any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, business or small businesses.

In making this proposed code, the California Institute for Regenerative Medicine must determine that no alternative considered by the agency would be

more effective in carrying out the purposes of the proposed code and less burdensome to affected persons than this proposed code.

All inquiries concerning the proposed code and any communication required by this notice should be directed to:

Christina Olsson
California Institute for Regenerative Medicine
P.O. Box 99740
Emeryville, CA 94662-9740
Phone: 510/450-2418
Fax: 510/450-2435
Email: colsson@cirm.ca.gov

TITLE 20. PUBLIC UTILITIES AND ENERGY

NOTICE OF PROPOSED REGULATORY ACTION

The California Public Utilities Commission (Commission) proposes to amend regulations described below after considering all comments, objections, or recommendations regarding the proposal.

At a duly noticed regularly scheduled meeting not earlier than October 27, 2005, at 10:00 a.m., in the Commission Auditorium, 505 Van Ness Avenue, San Francisco, the Commission will consider a proposal to amend Rules 79 and 80, contained in Article 19 of the Commission's Rules of Practice and Procedure, and set forth in Division 1, Chapter 1 of Title 20 of the California Code of Regulations. The proposed amended regulations will reflect the publication and availability of Commission documents on the Commission's Internet site, and limit hard copy service of the Commission's meeting agenda and agenda item materials.

AUTHORITY TO ADOPT RULES

Article XII, Section 2 of the California Constitution and Section 1701 of the Public Utilities Code authorize the Commission to adopt Rules of Practice and Procedure.

INFORMATIVE DIGEST

The California Public Utilities Commission proposes an amendment to its Rules of Practice and Procedure reflecting certain procedures enacted by Chapter 886 of the 1998 statutes (Calderon). This legislation amended Section 311.5 of the Public Utilities Code to require the Commission to publish the agenda and agenda item documents, as well as other Commission documents, on the Commission's Internet site. The Commission seeks to amend Rules 79 and 80 to reflect the Internet availability of the agenda and agenda item materials and eliminate hard copy service of agenda item documents, limit hard copy service of the agenda to persons who have

not consented to e-mail service in a proceeding pursuant to Rule 2.3, and eliminate the provision for waiver of fees for subscription to the agenda and agenda item documents.

AVAILABILITY OF STATEMENT OF REASONS AND PROPOSED TEXT

The Commission's Order Instituting Rulemaking for the proposed rule amendments is available on the Commission's web site, www.cpuc.ca.gov/proceedings/R0507015.htm. The order includes a more detailed initial statement of the reasons for the rule amendments. Appendix A to the order sets forth the complete text of the proposed rule amendments.

COMMENTS AND INQUIRIES

Any interested person may submit written comments concerning the proposed rule amendments. The written comment period closes at 5:00 p.m. on September 19, 2005. All comments must be filed (by submitting an original and four copies) at the Commission's Docket Office by that time. Send one additional copy of comments to the following contact person:

Hallie Yacknin
Administrative Law Judge
California Public Utilities Commission
Division of Administrative Law Judges
505 Van Ness Avenue
San Francisco, CA 94102
Telephone: (415) 703-1675
e-mail: hsy@cpuc.ca.gov

Inquiries concerning the substance of the proposed amendment, requests for copies of the text for the proposed amendment, or other questions should be directed to ALJ Yacknin at the above street or e-mail address or telephone number. The entire rulemaking file (Docket No. R.05-07-015) is also available for inspection and copying at the Commission's Central Files, Room 2002, at the above street address.

TITLE 22. EMPLOYMENT TRAINING PANEL

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Employment Training Panel (Panel) proposes to amend Section 4416 in Title 22 of the California Code of Regulations. This regulation sets forth the Panel's procedures and standards for determining Out-of-State Competition. The Initial Statement of Reasons and Express Text of the proposed amendment are accessible through the What's New page linked to the Home page on the ETP website (www.etp.ca.gov).

AUTHORITY AND REFERENCE

The Panel's rulemaking authority is set forth at Section 10205(m) of the Unemployment Insurance (U.I.) Code. In general, the proposed regulatory action will implement, interpret and make specific U.I. Code Sections 10200(a), 10200(b)(i) and 10201(b).

INFORMATIVE DIGEST

Existing law requires the Panel to foster the retention of jobs in manufacturing and other industries that are "threatened by out-of-state competition." (Unemployment Insurance Code section 10200.) As currently worded, Section 4416 sets forth the Panel's procedures and standards for determining whether an employer is eligible for training funds in light of this statutory requirement for out-of-state state competition.

The proposed amendment is summarized below by subject matter. A detailed explanation of the changes to each subsection is provided in the Initial Statement of Reasons.

Change from SIC to NAICS

Currently, Section 4416 (b) designates manufacturing industries, and certain other industries, that meet the out-of-state competition requirement based on the Standard Industrial Classifications (SIC). That system was developed by the federal government to standardize the collection and analysis of North American economies. It was revised and expanded in 1997 and is now titled the North American Industrial Classification System (NAICS). The new classification system establishes 20 different industry sectors based on their primary activities.

By this amendment, the Panel would substitute NAICS for SIC and expand the list of industries that are deemed to meet the out-of-state competition requirement. As expanded, the list would include newly-identified industries in Engineering Services, Testing Laboratories and Research & Development. These new industries were identified by NAICS as part of Sector 54 "Physical, Engineering and Life Sciences."

Sector 54 also includes Custom Computer Programming and Computer System Design services, which had been identified by SIC as part of the old classification for "Prepackaged Software." This is not a substantive change, but reflects a clarification made by the NAICS coding structure.

Currently, the Panel may exercise discretion in making an out-of-state competition determination for industries that have not been classified under SIC, using the SIC Manual as a guideline. This practice implicitly results in the incorporation-by-reference of the SIC Manual. Rather than continue this practice, new Section 4416(i) would bind the Panel to accept

the “status conferred” by the Employment Development Department when it assigns a classification under NAICS.

For the purpose of readability, the NAICS listing would be moved to the end of this regulation, at new Section 4416(i).

New Provisions

Currently, there is no explanation of why the Panel requires out-of-state competition. This amendment would add such an explanation at new Section 4416(a) based directly on the ETP program mandate at Unemployment Insurance Code section 10200.

Currently, the criteria for an out-of-state competition determination are binding on the Panel, except for the industries listed under SIC. New Section 4416(b) would set forth the Panel’s authority to exercise discretion in making determinations on a case-by-case basis.

Currently, the entity requesting training funds is referred to as a “company.” However, this term could be confused with “facility, functional group or unit” each of which has a specific regulatory meaning at proposed Section 4416(d) and 4416(e). Accordingly, the term “employer” would replace “company” under new Section 4416(c).

Threshold Analysis

Currently, the criteria for making out-of-state competition determinations are binding, and are not set forth in any particular order. The proposed amendment would establish a discretionary “threshold analysis” at new Section 4416(d) and clarify the sequence of analysis based on actual practice.

Products or Services

Currently, Section 4416(a) requires a “products or services” analysis. The focus is on whether the company produces a product or provides a service out-of-state, thus facing competition from out-of-state business. The proposed amendment would clarify the current criteria, and add a substantive standard at new Section 4416(d)(4). This standard would require that at least 25 percent of gross annual revenue is derived from out-of-state customers.

Significant Business Presence

Historically, the Panel has used a measurement of 20 percent to gauge the scope of out-of-state products or services under a “significant business presence” analysis designed to determine whether the company could readily move its operations away from California. This amendment would implement that measurement, and raise its level to 25 percent.

As a result, the current three-part analysis would be reformatted and clarified to require: a) 25 percent of gross annual revenue must be directly derived from

out-of-state operations; or, b) 25 percent of the offices, divisions, branches, stores or franchises must be located out-of-state; or, c) 25 percent of permanent full-time employees must work out-of-state. It is not anticipated that this revision would diminish the number of eligible project applicants.

Mortgage Banking

Currently, Section 4416(d)(2) sets three out-of-state competition criteria for the mortgage banking industry. These standards would be clarified and reformatted under new Section 4416(f). They would not be changed in substance, but would be made more specific. In addition, the proposed amendment would define the term “mortgage banking” as a lender or a business that services mortgage loans or packages/sells mortgage loans.

Destination Resorts

Currently, Section 4416(d)(3) recognizes a “destination resort, convention/conference center or convention/conference hotel” as a type of employer for the purpose of making out-of-state competition determinations. The current regulation sets two criteria for determining whether a destination resort competes for national or international customers.

The current regulation sets a “25 percent of gross annual revenue” standard for destination resorts and convention/conference hotels. It also defines each type of employer (destination resort, convention/conference center and convention/conference hotel). Finally, the current regulation sets an additional six criteria, of which three must be satisfied, relating to the employer’s out-of-state marketing efforts.

The proposed amendment would clarify the definition of each type of employer based on the common English meaning of the terms “destination” and “resort” and on the commonly understood purpose of convention/conference centers and convention/conference hotels. The 25 percent of gross annual revenue standard would be carried over to convention/conference centers. Finally, the proposed amendment would clarify the “three of six” criteria to more accurately reflect actual out-of-state marketing practices.

Call Centers

Currently, Section 4416 does not include “call centers” as a type of employer. The proposed amendment would establish a Call Center category at new Section 4416(h) using two criteria: 1) the employer must have over 50 percent of call volume originating from outside California, and 2) the employer must not provide telemarketing services.

No documents would be incorporated-by-reference in this proposed amendment.

FISCAL DISCLOSURES

The Panel has made the following initial determinations regarding fiscal disclosures required by Section 11346.2 of the Government Code.

A. Fiscal Impact. The Panel has made an initial determination that the proposed amendment does not impose costs or savings requiring reimbursement under Section 17500 *et seq.* of the Government Code. Furthermore, this action does not impose non-discretionary costs or savings to any local agency; nor does it impact federal funding for the State.

The Panel has made an initial determination that the proposed amendment does not impose costs or savings to any State agency pursuant to Section 11346.1(b) or 11346.5(a)(6) of the Government Code. Furthermore, there are no fiscal impact disclosures required by State Administrative Manual sections 6600–6670.

B. Cost Impacts. The Panel is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed amendment. The same determination applies to housing costs. This action would clarify the Panel's standards for reviewing and funding training proposals. Thus, the costs incurred in submitting such proposals should be reduced, if anything.

C. Adverse Impact on Business. The Panel has made an initial determination that the proposed amendment does not have any significant, statewide adverse economic impact directly affecting business, including the ability to compete. Indeed, the overall purpose of the Panel's program is to enhance the ability of California businesses to meet the challenge of competition from other states.

D. Effect on Small Business. The Panel has determined that the proposed amendment does not affect small businesses unless they seek training funds. Since this action would clarify and simplify the Panel's standards for reviewing and funding training proposals, this would be a positive effect.

E. Effect on Jobs and Business Expansion. The Panel has made an initial determination that the proposed amendment would not create or eliminate jobs in California. Nor would it create new businesses or eliminate existing businesses in California. The Panel has made an initial determination that this action would not directly affect the expansion of businesses currently operating in California.

Nevertheless, the overall intent and purpose of the ETP program is to foster job creation and the retention of high-wage, high-skilled jobs that are threatened by out-of-state competition. (U.I. Code section 10200(a).) The Panel must give funding priority to projects that would train new employees of firms locating or expanding in the state; train displaced workers, and develop workers with skills that prepare them for the

challenges of a high performance workplace of the future. (U.I. Code section 10200(b).) Thus, the Panel has made an initial determination that the proposed amendment may encourage the retention of jobs and businesses in California, in the sense that it would enhance the Panel's ability to implement the purpose of the ETP program.

F. Imposed Mandate. The Panel has made an initial determination that the proposed amendment action does not impose a mandate on local agencies or school districts.

REASONABLE ALTERNATIVES

The Panel must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private parties than the proposed action. Interested persons are welcome to identify reasonable alternatives during the written comment period.

WRITTEN COMMENT PERIOD

A 45-day written comment period has been established beginning on August 5, 2005 and ending at 5:00 p.m. on September 19, 2005. Any interested person, or his or her authorized representative, may present written comments on the proposed amendment within that time period. (This is in addition to the informal written comment period that was noticed on the ETP website in June of 2005.) Comments should be sent to:

Margie Miramontes
Employment Training Panel, Legal Unit
1100 "J" Street, Fourth Floor
Sacramento, CA 95814
Telephone: (916) 327-5252
E-Mail: mmiramontes@etp.ca.gov
FAX: (916) 327-5268

PUBLIC HEARING

A public hearing will not be held unless one is requested by an interested person, or his or her authorized representative. The request must be submitted in writing to Ms. Miramontes at the address shown above no later than 15 days before the close of the written comment period. The request should identify the specific regulatory action for which the hearing is requested.

MODIFICATIONS

Modifications to the text of the proposed regulatory amendment may be made after the public comment period. If so, they will be posted on the ETP Website at www.etp.ca.gov. They will also be available upon

request to Ms. Miramontes. Said modifications will be open to public comment for at least 15 days before their adoption, as noticed on the ETP Website.

AVAILABILITY OF DOCUMENTS

The Panel has prepared an Initial Statement of Reasons for the proposed amendment, and has compiled all information on which the action was based. This statement, along with the express text of the proposed amendment and the written information on which it was based, are available for inspection at the address shown above. Any inquiries should be directed to Ms. Miramontes.

The Panel will prepare a Final Statement of Reasons at the conclusion of the public comment period. This final statement and the information on which it is based will also be available for inspection at the written comment address shown above.

This Notice of Proposed Rulemaking is posted on the ETP Website at www.etp.ca.gov. The Initial Statement of Reasons and the express text of the proposed action are also posted on the ETP Website. When the Final Statement of Reasons is prepared, it will be posted on the ETP Website.

CONTACT PERSONS

Requests for copies of the express text of this proposed amendment and the modified text (if any), and the Initial Statement of Reasons, should be directed to Ms. Miramontes using the contact information shown above. In addition, the "rulemaking file" of written information on which the proposed amendment is based is available for inspection through Ms. Miramontes.

In the event Ms. Miramontes is unavailable, inquiries regarding the proposed regulatory actions should be directed to Staff Counsel Maureen Reilly at the same address or by phone at (916) 327-5422 or email at mreilly@etp.ca.gov.

TITLE 28. DEPARTMENT OF MANAGED HEALTH CARE

CALIFORNIA CODE OF REGULATIONS

SUBJECT

Public Meetings and Hearings, Control #2004-0320, Adopting Section 1002.4 in Title 28, California Code of Regulations

PUBLIC PROCEEDINGS

Notice is hereby given that the Director of the Department of Managed Health Care (Director) proposes to adopt regulations under the Health Care Service Plan Act of 1975 (Act) relating to public hearings and processing notices of material modification by adopting section 1002.4 in title 28, California

Code of Regulations. Before undertaking the action, the Director will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice.

PUBLIC HEARING

No public hearing is scheduled. Any interested person, or his or her duly authorized representative, may request in writing, a public hearing pursuant to section 11346.8(a) of the Government Code. The request for hearing must be received in writing by the Department of Managed Care's (Department) contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative may submit written statements, arguments or contentions (hereafter referred to as comments) relevant to the proposed regulatory action by the Department. Comments must be received by the Office of Legal Services, Department of Managed Health Care, by 5 p.m. on September 19, 2005, which is hereby designated as the close of the written comment period.

Comments may be transmitted by regular mail, FAX or email:

Email: regulations@dmhc.ca.gov

Mail Delivery: Regulation Coordinator
Department of Managed
Health Care
Office of Legal Services
980 9th Street, Suite 500
Sacramento CA 95814

Fax: (916) 322-3968

Please note, if comments are sent via email or fax, there is no need to send the same comments by mail delivery. All comments, including email, fax transmissions or mail delivery should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited. Please address all comments to the Department of Managed Health Care, Office of Legal Services.

1. Inquiries regarding the substance of the proposed regulation described in this notice may be directed to Suzanne Chammout, at (916) 322-6727.
2. All other inquiries concerning the action described in this notice may be directed to Elaine Paniewski, at (916) 322-6727.

CONTACTS

Please identify the action by using the Department's regulation control number and title, **2004.2 Public Meetings and Hearings** in any of the above inquiries.

AVAILABILITY OF DOCUMENTS

Materials regarding the proposed regulations (including this public notice, the proposed regulations, and the Initial Statement of Reasons) are available via the internet. The documents may be accessed at <http://www.hmohelp.ca.gov/library/regulations/> under the heading Proposed Regulations. As required by the Administrative Procedure Act, the Department's Office of Legal Services maintains the rulemaking file. At the present time, the rulemaking file consists of the text of the regulations, the initial statement of reasons, and the notice. The rulemaking file is available for public inspection at the Department of Managed Health Care, Office of Legal Services, 980 9th Street, Suite 500, Sacramento, CA 95814. To view the file, please call to make an appointment: (916) 322-6727.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Health and Safety code sections 1344 and 1346 vest the Director with the power to administer and enforce the provisions of the Act.

California Health and Safety Code section 1344 mandates that the Director have the ability to adopt, amend, and rescind such rules, forms, and orders as are necessary to carry out the provisions of this chapter, including rules governing applications and reports, and defining any terms, whether or not used in this chapter, insofar as the definitions are not inconsistent with the provisions of the Act. Furthermore, the Director may waive any requirement of any rule or form in situations where in the Director's discretion such requirement is not necessary in the public interest or for the protection of the public, subscribers, enrollees, or persons or plans subject to this chapter. In addition, the Director may honor requests from interested parties for interpretive opinions.

California Health and Safety Code section 1346 vests in the Director the power to administer and enforce the Act, including but not limited to recommending and proposing the enactment of any legislation necessary to protect and promote the interests of plans, subscribers, enrollees, and the public.

Pursuant to Health and Safety Code section 1346(a)(5), the Director may determine the need for a public hearing on any topic pertaining to managed health care regulation, with or without a public request for a meeting. Government Code section 11346.8

requires the Director to establish and maintain a procedure for notifying, holding and summarizing a public hearing if the Director determines to hold such a hearing. Title 28, section 1002.4, addresses the requirements applicable to the determination by the Director in making the decision whether to hold a public meeting or hearing.

Title 28, section 1002.4, establishes the criteria for public meetings or hearings, ensuring that the public is aware of the factors utilized by the Director when determining to hold a public meeting or hearing. The proposed regulation establishes how the public can request a public meeting or hearing. These procedures will ensure the public's right to ascertain the Department's guidelines to determine when to hold a public meeting or hearing.

AUTHORITY

Health and Safety Code sections 1342, 1344, and 1346

REFERENCE

Health and Safety Code section 1346(a)(5); Government Code section 11346.8

AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulations. A request for a copy of any modified regulation(s) should be addressed to Elaine Paniewski, AGPA, at (916) 322-6727. The Director will accept written, faxed or e-mailed comments on the modified regulation(s) for 15 days after the date on which they are made available. The Director may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Elaine Paniewski, AGPA, at (916) 322-6727 or available on the internet at <http://www.hmohelp.ca.gov/library/regulations/> under the heading Proposed Regulations.

ALTERNATIVES CONSIDERED

Pursuant to Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified or brought to its attention, would be more effective in carrying out the purpose for which the above action is proposed, or would be as effective and less burdensome to affected private persons than the proposed actions.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the public comment period.

FISCAL IMPACT STATEMENT

- Mandate on local agencies and school districts: None
- Cost or Savings to any State Agency: None
- Direct or Indirect Costs or Savings in Federal Funding to the State: None
- Cost to Local Agencies and School Districts Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None
- Costs to private persons or businesses directly affected: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None
- Other non-discretionary cost or savings imposed upon local agencies: None

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs requiring reimbursement by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has determined that the regulations will have no impact on housing costs.

The Department has determined that the regulations do not affect small businesses. Health care service plans are not considered a small business under Government Code section 11342(h)(2).

The Department has determined that the regulations will not significantly affect the creation or elimination of jobs within the State of California.

The Department has determined that the regulations will not significantly affect the creation of new businesses, or the elimination of existing businesses within the State of California.

The Department has determined that the regulations will not significantly affect the expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses currently doing business within the State of California.

FINDING REGARDING REPORTING REQUIREMENT

Government Code section 11346.3(c) provides as follows:

“No administrative regulation adopted on or after January 1, 1993, that requires a report shall apply to businesses, unless the state agency adopting the regulation makes a finding that it is necessary for the health, safety, or welfare of the people of the state that the regulation apply to businesses.”

All reporting requirements included in these regulations do apply to businesses because the Department has determined that the regulations are necessary to maintain the health, safety and welfare of the people of the State of California.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT, AND RULEMAKING FILE

The Department has prepared and has available for public review the following documents:

1. Initial Statement of Reasons
2. Text of proposed regulations
3. All information upon which the proposal is based (rulemaking file)

This information is available by request at the Department of Managed Health Care, Office of Legal Services, 980 9th St., Sacramento, CA 95814, or on our website at <http://www.hmohelp.ca.gov/library/regulations/>.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contracts in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P. O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P. O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians &
Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P. O. Box 925
Middletown, CA 95461

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION
Fish and Game Code Section 2080.1
Tracking Number 2080-2005-016-01

PROJECT: Habitat Conservation Plan for Mad River Diversion and Other Water District Operations

LOCATION: Mad River from Matthews Dam (RM [river mile] 85) through to the tidal zone (RM 4), Humboldt County

NOTIFIER: Humboldt Bay Municipal Water District

BACKGROUND

In their "Habitat Conservation Plan" (HCP), the Humboldt Bay Municipal Water District (District) has asked for permitted coverage of current Mad River activities that either occur on an ongoing basis or occur only as needed. Proposed activities scheduled to occur on a regular basis include releasing flows at Matthews Dam; diverting water in the Essex Reach; operating the direct diversion facility at Station 6 including fish screens; dredging the "Forebay" at Station 6; as well as maintaining adequate water surface elevation and flow at Station 6 by constructing a gravel berm and dredging the river channel upstream of Station 6. Proposed activities scheduled to occur only as needed include maintaining adequate capacity in tailrace and spillway pools below Mathews Dam; gaining access to and maintaining Ranney collectors; and repairing rock structures and revetments.

The proposed project has the potential for incidental take of coho salmon (*Oncorhynchus kisutch*), which is both State- and federally-listed as threatened in the Southern Oregon-Northern California Coast (SONCC) Evolutionary Significant Unit (ESU). Take of juvenile coho salmon may occur during activities associated with flow diversion, such as fish screen operation and instream construction/dredging activities including construction of the gravel berm at Station 6. In addition, harmful effects to coho salmon may result from project activities that cause substantial alteration in stream flows, contribute considerable amounts of sediment or hazardous contaminants to the river, or contribute to long-term reduction in habitat or maintenance of low quality habitat.

On June 9, 2005, the National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries) issued a "no jeopardy" biological opinion (BO)(151422SWR1999AR25) and incidental take permit (#1488) to the District for the above-referenced project. The NOAA Fisheries BO and incidental take permit described the project actions and incorporated by reference all conservation mea-

asures listed in the HCP for take avoidance, minimization, and mitigation for impacts to threatened coho salmon of the SONCC ESU as well as for other federally-listed salmonids.

On June 16, 2005, the Director of the Department of Fish and Game received a notice from the District, pursuant to Section 2080.1 of the Fish and Game Code, requesting a determination that the NOAA Fisheries incidental take permit is consistent with the California Endangered Species Act (CESA).

DETERMINATION

The Department has determined the NOAA Fisheries incidental take permit #1488, which includes full implementation and compliance with the HCP, is consistent with CESA. The Federal take permit is consistent with CESA because the mitigation measures described in the HCP meet the conditions set forth in Fish and Game Code Section 2081 (b) and (c) for authorization of incidental take of listed species. Specifically, the Department finds that take of coho salmon will be incidental to otherwise lawful activities; the identified mitigation measures will avoid, minimize, and fully mitigate impacts of the authorized take of coho salmon; and the project will not jeopardize continued existence of the species. The mitigation measures contained within the incidental take permit and HCP include but are not limited to the following:

1. Flow releases from Matthews Dam will be managed such that a 5 cfs minimum flow will be maintained at all times below the dam. If the District plans to reduce its releases at one time by more than 25% during low-flow times of year, it will do so in gradual increments over a 24-hour period to avoid stranding juvenile coho. Releases will also be managed to meet the instream flow requirements below Essex in accordance with conditions in the District's State Water Rights Permits.
2. In accordance with the HCP, the District has retrofitted its existing fish screens at Station 6, installing new screen panels with 3/32-inch mesh openings to prevent entrainment of juvenile coho. Seals at the bottom and sides of the screen structure were installed to ensure a minimum opening of less than 3/32 inch.
3. The District will continue to monitor take of listed species due to impingement at Station 6 fish screens following screen retrofit to ensure take is minimized at the screens. Take associated with the screens will not exceed 5% of the estimated exposed juvenile population in any given year or 3% of the estimated exposed juvenile population over four consecutive years as determined from the

annual monitoring program. The estimated exposed juvenile population is that portion of the estimated juvenile population of the Mad River (using Chinook salmon as the indicator species) that may migrate downstream along the southern channel edge and could enter the forebay. Exceedance of monitoring thresholds will serve as a trigger for reinitiating consultation with NOAA Fisheries.

4. Fish relocation guidelines provided on pp. 58–59 of the NOAA Fisheries BO will be followed, if necessary, for minimizing take of fish during berm construction at Station 6. There will be annual preconstruction meetings with NOAA Fisheries and other agencies to assess preconstruction channel and biological information and develop a plan for minimizing effects to listed species.
5. The District will undertake a feasibility study of alternatives to berm construction and dredging for providing the necessary water surface elevation and flow to Station 6 during the low flow periods. This study will be completed within 3 years of obtaining the incidental take permit for the HCP from NOAA Fisheries. The feasibility study will include biological considerations determined by the District, NOAA Fisheries, and the Department, and it will recommend the preferred alternative.
6. The District will commit up to \$15,000 on a one-time basis on or before December 31, 2006, to help fund qualified projects that will improve production of coho salmon in the lower Mad River watershed. Qualified projects include those projects approved by the Department that would increase access to previously inaccessible or partially accessible habitat or improve existing stream habitat. Examples of projects that may qualify for funding include, but are not limited to, improving fish passage at the Warren Creek culvert along West End Road or improving fish passage or instream habitat rehabilitation on Noisy Creek.

Pursuant to Section 2080.1 of the Fish and Game Code, incidental take authorization under CESA will not be required for incidental take of coho salmon during the project as it is described in the NOAA Fisheries incidental take permit, the HCP and the implementation agreement, provided the District complies with the mitigation measures and other conditions described in these documents. If there are any substantive changes to the project including changes to the mitigation measures, the District will be required to obtain a new consistency determination or CESA incidental take authorization from the Department.

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR Lamont Public Utilities District Habitat Conservation Plan Kern County

The Department of Fish and Game (Department) received notice on July 22, 2005 that the Lamont Public Utilities District (PUD) proposes to rely on its consultation with the U.S. Fish and Wildlife Service (Service) to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The project is the construction of an effluent disposal site expansion on a 160 acre site south of Lamont, Kern County, California. The Project will impact approximately 19 acres of habitat for Tipton kangaroo rats and 160 acres of habitat for San Joaquin kit fox.

On July 6, 2005, the Service issued Lamont PUD an Incidental Take Permit (TE106826-0) which authorizes incidental take of the federally endangered and state threatened San Joaquin kit fox (*Vulpes macrotis mutica*) and Federally and state endangered Tipton kangaroo rat (*Dipodomys nitratoide nitratoide*). The Incidental Take Permit requires Lamont PUD to implement a Habitat Conservation Plan that the Service approved in November 2004.

Pursuant to California Fish and Game Code Section 2080.1, Lamont PUD is requesting a determination that Incidental Take Permit TE106826-0, which requires Lamont PUD to fully implement the Habitat Conservation Plan, is consistent with the requirements of CESA. If the Department determines that the Incidental Take Permit is consistent with CESA, Lamont PUD will not be required to obtain a separate permit under CESA (Fish and Game Code Section 2081(b)) for the proposed project.

DECISION NOT TO PROCEED

SUPERINTENDENT OF PUBLIC INSTRUCTION

CALIFORNIA STATE BOARD OF EDUCATION

Pursuant to Government Code section 11347, the Superintendent of Public Instruction (Superintendent) has decided not to proceed with title 5, division 1, chapter 3, subchapter 1, sections 3082.1–3082.5 (Notice File No. Z05-0208-11, published February 18, 2005, in the California Regulatory Notice Register 2005, No. 7-Z), based on newly enacted legislation and therefore, withdraws this proposed action for further consideration.

The Superintendent will initiate at a later date, with notice as required by law, a new proposal to adopt regulations pertaining to the same or similar subject matter. The Superintendent will also publish this Notice of Decision Not to Proceed on the Department's website at www.cde.ca.gov/re/lr/rr.

RULEMAKING PETITION DECISIONS

DEPARTMENT OF MOTOR VEHICLES

DECISION ON PETITION PURSUANT TO GOVERNMENT CODE SECTION 11340.7, CONCERNING CALIFORNIA CODE OF REGULATIONS, TITLE 13, DIVISION 1, ARTICLE 2, SECTIONS 15.06 AND 20.04, DRIVER LICENSES AND IDENTIFICATION CARDS

Pursuant to Government Code Section 11340.7, the Department of Motor Vehicles (department) hereby responds to the June 22, 2005, petition of Ace Ashley, which was received on June 24, 2005. The Petitioner requests the amendment of a regulation pursuant to Sections 11340.6 and 11340.7 of the Government Code. The Petitioner requests that the department amend Sections 15.06 and 20.04, in Article 2, Division 1, Title 13, California Code of Regulations (CCR), to recognize common law name changes for California driver licenses and identification cards.

The Petitioner states that California Code of Civil Procedure, Part 3, Title 8, Section 1279.5(a) upholds the common law right to change one's name in this jurisdiction and that the department's practice of not recognizing one's right to common law name change conflicts with explicit statutory law, and is therefore invalid as statutory law always takes precedence over regulations.

The Petitioner states a belief that the denial of requests to use common law names on driver licenses and identification cards by the department constitutes an underground regulation and that the Social Security Administration name change on a social security card qualifies under Title 13, Section 20.04(d)(3) and (4) as a name change document issued by a competent jurisdiction.

In support of his position, the Petitioner states that the department cross-references and verifies all name changes with the Social Security Administration. The Petitioner believes this procedure implies that the department should recognize the legal validity of name changes processed by the Social Security Administration.

The Petitioner proposes the following amendment to be included “following the relevant section(s) in Title 13”:

The above requirements for name change shall not abrogate the common law right to change one’s name if such change is so duly substantiated through consistent usage.

THE DEPARTMENT’S RESPONSE

The California driver license and identification card have become the commonly accepted forms of identification in California. These state-issued documents have even surpassed the birth certificate as the prima facie evidence of identification. It is a reasonable presumption on the part of the public to assume that the name appearing on the driver license or identification card is the true full name of the person presenting the identification.

Prior to June 1999, the department allowed an individual to use any name as long as the intent was not to defraud when making an application for an original driver license or identification card, or when requesting a name change on an existing license or card. That policy resulted in widespread use of nicknames, stage names or fictitious names. The department subsequently determined that this policy jeopardized the success of the department’s mission to maintain accurate and secure information regarding individual identification.

Vehicle Code section 12800 requires that an applicant for a California driver license provide his or her true full name on the application. Vehicle Code section 12800.7 authorizes the department to require a person applying for an original or duplicate driver license to produce any identification that the department determines is necessary to ensure that the name on the application is the applicant’s true full name. Vehicle Code section 13000 authorizes the department to issue an identification card to any person attesting to specified identifying data, including the applicant’s true full name, and requires every identification card application to be supported by such bona fide documentary evidence of identity as the department may require.

In response to these statutory provisions, the department adopted Section 15.06 in Title 13 of the CCR, to define “true, full name” as the name specified on one of the documents listed in Section 15.00 of Title 13 of the CCR necessary to establish legal presence, birth verification, or a name change, that is submitted at the time of application. The true full name

is the name that appears on the driver license or identification card and is recorded on the driving record. Further, the department adopted Section 20.04 in Title 13 of the CCR to specify the information required for a name change on a driver license or identification card. The purpose of Section 20.04 is to specify acceptable documents which must be presented to the department as evidence of true full name when a person applies for an original driver license or identification card and the name provided on the application conflicts with the name on the identification document, or when applying for a name change on an existing driver license or identification card.

Section 20.04 provides that the department will accept as documentation to establish the applicant’s true full name any document specified in Section 15.00 of Title 13 of the CCR. The department specified the documents in Section 15.00 because most of the documents are issued by the federal government and contain an identifying number that can be verified with the issuing agency. The department determined that these documents are verifiable as proof of a person’s legal presence in the United States and, therefore, valid to establish a person’s true, full name. Section 20.04 also provides that the department will accept specific documents issued by a competent jurisdiction, as defined, which include an adoption document; name change document; marriage certificate; dissolution of marriage certificate; or a certificate, declaration or registration document verifying the formation of a domestic partnership. Common law documents are not listed among the documents in Section 20.04 of Title 13 of the CCR as documents legally sufficient to prove “true, full name.”

The Social Security Administration does not issue social security cards in common law names without legal documentation. The Social Security Administration states that name changes require additional legal documentation, and that common law name changes are not accepted. (See website, www.ssa.gov and SSA Publication No. 05-10642, dated September 2000, copy attached.) A call to the toll free number printed on the publication verified that a legal document is required to provide adequate confirmation of an applicant’s identity.

CONCLUSION

After careful consideration of Mr. Ashley’s petition, the department hereby denies the petition. The department finds that the regulation is consistent with California law and should not be amended.

INFORMATION AVAILABLE TO THE PUBLIC

Any interested person may request a copy of the petition from the contact person indicated below.

CONTACT PERSON

Christie Patrick
Department of Motor Vehicles
Regulation Unit
P.O. Box 932382
Sacramento, CA 94232-3820

PROPOSITION 65

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

NOTICE OF INTENT TO LIST A CHEMICAL

The Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as Proposition 65), codified at Health and Safety Code section 25249.5 et seq., provides two primary mechanisms for administratively listing chemicals that are known to the State to cause cancer or reproductive toxicity (Health and Safety Code section 25249.8(b)). A chemical may be listed under Proposition 65 when a body considered to be authoritative by the state's qualified experts has formally identified the chemical as causing cancer or reproductive toxicity. The following entities are identified as authoritative bodies for purposes of Proposition 65, as it pertains to chemicals known to cause cancer: the U.S. Environmental Protection Agency, the International Agency for Research on Cancer, the U.S. Food and Drug Administration, the National Institute for Occupational Safety and Health, and the National Toxicology Program. The criteria for listing chemicals through the authoritative bodies mechanism are set forth in Title 22, California Code of Regulations, section 12306.

As the lead agency for the implementation of Proposition 65, the Office of Environmental Health Hazard Assessment (OEHHA), within the California Environmental Protection Agency intends to list the chemical identified in the table below as known to the State to cause cancer, pursuant to this administrative mechanism as provided in Health and Safety Code section 25249.8(b) and Title 22, Cal. Code of Regs., section 12306.

Relevant information related to the possible listing of *nitrapyrin* was requested in a notice published in the *California Regulatory Notice Register* on April 29, 2005 (Register 05, No. 17-Z). The opportunity to request a public forum was provided, but no such

request was received and no forum was held. No comments on *nitrapyrin* were received. The April 29 notice also included a request for related information for the possible listing of iprovalicarb and propoxur. Each of those chemicals received one comment. Iprovalicarb and propoxur will be the subject of a separate future notice. OEHHA has determined that *nitrapyrin* meets the criteria for listing under Title 22, Cal. Code of Regs., section 12306, and therefore OEHHA is issuing this notice of intent to list this chemical under Proposition 65. A document providing more detail on the basis for the listing of *nitrapyrin* can be obtained from OEHHA's Proposition 65 Implementation Office at the address and telephone number indicated below, or from the OEHHA Web site at: <http://www.oehha.ca.gov/>. Anyone wishing to provide comments as to whether the listing of *nitrapyrin* meets the criteria for listing provided in Title 22, Cal. Code of Regs., section 12306 should send written comments in triplicate, along with any supporting documentation, by mail or by fax to:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Street Address: 1001 I Street
Sacramento, California 95814
Mailing Address: P.O. Box 4010
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900

Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to: coshita@oehha.ca.gov. In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered, sent by FAX, or transmitted electronically) by 5:00 p.m. on Monday, September 5, 2005.

The following chemical has been determined by OEHHA to meet the criteria set forth in Title 22, Cal. Code of Regs., section 12306 for listing as causing cancer under the authoritative bodies mechanism:

Chemical	CAS No.	Reference
Nitrapyrin	1929-82-4	U.S. EPA (2000)

REFERENCE

U.S. Environmental Protection Agency (U.S. EPA, 2000). Cancer Assessment Document. Evaluation of the Carcinogenic Potential of Nitrapyrin (Second Review). Cancer Assessment Review Committee. Health Effects Division. Office of Pesticide Programs. May 5, 2000.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Criteria for Rehabilitation

The regulatory action deals with the criteria for rehabilitation.

Title 16
California Code of Regulations
AMEND: 418
Filed 07/26/05
Effective 08/25/05
Agency Contact:
Nancy A. Eissler (916) 263-2241

BOARD OF BEHAVIORAL SCIENCES

Disciplinary Guidelines

Revises disciplinary guidelines for licensees.
Title 16
California Code of Regulations
AMEND: 1888
Filed 07/22/05
Effective 08/21/05
Agency Contact: Christy Berger (916) 323-6832

CALIFORNIA ARCHITECTS BOARD

Filing of Applications, Eligibility for Exam, & Experience Evaluation

This action amends work experience and degree evaluation requirements for licensure as an architect.

Title 16
California Code of Regulations
AMEND: 109, 116, 117
Filed 07/22/05
Effective 08/21/05
Agency Contact: Vickie Mayer (916) 324-9913

CALIFORNIA ENERGY COMMISSION

Forecasts and Assessment of Energy Loads and Resources

The California Energy Commission is amending its reference citations pertaining to sections 1340, 1341, 1342, 1343, and 1344, title 20, California Code of Regulations, by repealing sections 25300, 25301,

25302, 25309, and 25310, and adopting sections 25301, 25302, and 25303, Public Resources Code in order to come into conformity with Stats. 2002, Ch. 568. These sections pertaining to Integrated Energy Policy Reporting require conducting assessments and forecasts of all aspects of energy industry supply production, transportation, delivery and distribution, demand and prices. The California Energy Commission adopts an integrated energy policy report. This integrated report shall contain an overview of major energy trends and issues facing the state, including, but not limited to, supply, demand, pricing, reliability, efficiency, and impacts on public health and safety, the economy, resources, and the environment. (Public Resources Code sections 25301 and 25302.).

Title 20
California Code of Regulations
AMEND: 1340, 1341, 1342, 1343, 1344
Filed 07/26/05
Effective 07/26/05
Agency Contact: Caryn Hough (916) 654-4178

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Conflict of Interest Code

The California Integrated Waste Management Board is amending its conflict of interest code found at chapter 5.9, section 18419, title 14, California Code of Regulations. This amendment was approved for filing by the Fair Political Practices Commission on March 3, 2005; that approval was extended on June 16, 2005.

Title 14
California Code of Regulations
AMEND: 18419
Filed 07/21/05
Effective 08/20/05
Agency Contact: Elliot Block (916) 255-2821

DENTAL BOARD OF CALIFORNIA

Approval of Ultrasonic Scaling Courses

This regulatory action defines the requirements that course providers of ultrasonic scaling must meet in order to obtain board approval.

Title 16
California Code of Regulations
ADOPT: 1070.5
Filed 07/21/05
Effective 08/20/05
Agency Contact: Richard DeCuir (916) 263-2300

DEPARTMENT OF DEVELOPMENTAL SERVICES

Family Cost Participation Program

This is a Certificate of Compliance for the permanent adoption of prior emergency regulatory

actions (OAL file no. 04-1222-04E and 05-0421-02EE) implementing the Family Cost Participation Program.

Title 17

California Code of Regulations

ADOPT: 50243, 50245, 50247, 50249, 50251, 50253, 50255, 50257, 50259, 50261, 50262, 50263, 50265, 50267

Filed 07/22/05

Effective 07/22/05

Agency Contact:

Larry Lipsmeyer (916) 654-3355

**DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT**

MP-SOP Lot Lines and Clarification Regulations

This regulatory action is to implement, interpret and make specific Health and Safety Code sections 18200 through 18700 (Mobilehome Parks Act) and 18860 through 18874 (Special Occupancy Parks Act). It updates existing regulations for mobilehome parks and special occupancy parks to comply with the legislative mandate to require permits and create a new approval process for the creation, alteration, movement or shifting of lot lines within a park. This action also amends existing regulations to address the following issues: clarify permit requirements for grading, installation of factory-built housing in mobilehome parks, electrical system considerations and water pressure testing, roadway widths, location of LGP tanks and separation and setbacks between among the MH units.

Title 25

California Code of Regulations

ADOPT: 1019, 1105, 1276, 2105, 2276

Filed 07/22/05

Effective 08/21/05

Agency Contact: Brad Harward (916) 324-4907

DEPARTMENT OF MANAGED HEALTH CARE
Independent Medical Review Medicare Language

This action amends the regulation that establishes the procedure for independent medical review of health care decisions relating to medically necessary care or experimental and investigational therapies to coordinate with federal laws relating to Medicare enrollees that may preclude state regulation.

Title 28

California Code of Regulations

AMEND: 1300.74.30

Filed 07/25/05

Effective 08/24/05

Agency Contact:

Elaine Paniewski (916) 324-9024

DEPARTMENT OF MOTOR VEHICLES
Commercial Requester Account Surety Bond Requirements

This action updates the regulation that specifies the applicability of the surety bond required of commercial information requesters in order to conform with the most current bond form and overall standardization of the Department's bond forms.

Title 13

California Code of Regulations

AMEND: 350.24

Filed 07/27/05

Effective 08/26/05

Agency Contact:

Christie Patrick (916) 657-5567

DEPARTMENT OF PESTICIDE REGULATION
Sulfuryl Fluoride

In this emergency regulatory action, the Department of Pesticide Regulation designates the pesticide "sulfuryl fluoride" as a state "restricted material" generally subject to the requirement of a permit from the local county agricultural commissioner prior to possession and use.

Title 3

California Code of Regulations

AMEND: 6400

Filed 07/21/05

Effective 08/02/05

Agency Contact:

Linda Irokawa-Otani (916) 445-3991

FAIR POLITICAL PRACTICES COMMISSION
Return of Contributions with Insufficient Donor Information

This action concerns what happens to contributions that are returned by check but which are not cashed by the original contributor.

Title 2

California Code of Regulations

AMEND: 18570

Filed 07/20/05

Effective 08/19/05

Agency Contact: Theis Finley (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION
Extensions of Credit

This action defines what "Extensions of Credit" of goods or services are between a provider and a candidate or committee and whether such extensions of credits are deemed contributions.

Title 2

California Code of Regulations

ADOPT: 18530.7

Filed 07/20/05
 Effective 08/19/05
 Agency Contact:
 Natalie Bocanegra (916) 322-5660

STATE WATER RESOURCES CONTROL BOARD
 Cental Coast Basin Plan—TMDL for Pathogens in
 San Luis Obispo Creek

In this regulatory action, the Centrol Coast Regional Water Quality Control Board adopts and the State Water Resources Control Board approves a Total Maximum Daily Load (TMDL) for pathogens in San Luis Obispo Creek and an implementation plan to achieve the TMDL.

Title 23
 California Code of Regulations
 ADOPT: 3298
 Filed 07/25/05
 Effective 07/25/05
 Agency Contact: Greg Frantz (916) 341-5553

STATE WATER RESOURCES CONTROL BOARD
 Water Quality Control Plan, Santa Ana Region

This action adopts the Santa Ana Region Water Quality Control Board's Basin Plan amendment establishing nutrient Total Maximum Daily Loads (TMDLs) for Lake Elsinore and Canyon Lake.

Title 23
 California Code of Regulations
 ADOPT: 3979
 Filed 07/22/05
 Effective 07/22/05
 Agency Contact: Phil Zentner (916) 341-5561

VETERINARY MEDICAL BOARD
 Continuing Education Waiver

This regulatory action modifies the review process and criteria necessary for veterinarians to qualify for a CE waiver. It requires additional supporting documentation and extends the time frame for the Board to make a decision on the request.

Title 16
 California Code of Regulations
 AMEND: 2085.2
 Filed 07/27/05
 Effective 08/26/05
 Agency Contact: Deanne Pearce (916) 263-2622

VOTING MODERNIZATION BOARD
 Conflict of Interest Code

The Voting Modernization Board is adopting is conflict of interest code found at title 2, div. 8, ch. 23, section 44000, California Code of Regulations. This adoption was approved for filing by the Fair Political Practices Commission on May 2, 2005; that approval was extended on July 26, 2005.

Title 2
 California Code of Regulations
 ADOPT: Div. 8, Ch. 23, Sec. 44000
 Filed 07/27/05
 Effective 08/26/05
 Agency Contact: Jana M. Lean (916) 653-5144

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE
 WITHIN MARCH 2, 2005
 TO JULY 27, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

07/27/05 ADOPT: Div. 8, Ch. 23, Sec. 44000
 07/20/05 AMEND: 18570
 07/20/05 ADOPT: 18530.7
 07/18/05 AMEND: 18452
 07/18/05 AMEND: 55400
 07/06/05 AMEND: 7286.0
 06/24/05 AMEND: 599.502, 599.506
 06/21/05 AMEND: 18705.5
 06/16/05 AMEND: Div. 8, Ch. 4, section 25001
 06/14/05 ADOPT: 18750.2, 18755 AMEND: 18702.4
 05/31/05 ADOPT: 1859.300, 1859.301, 1859.302, 1859.310, 1859.311, 1859.312, 1859.313, 1859.314, 1859.315, 1859.316, 1859.317, 1859.318, 1859.319, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.325, 1859.326, 1859.327, 1859.328, 185
 05/27/05 AMEND: 20107
 05/27/05 AMEND: 1859.2
 05/26/05 ADOPT: 18465.1
 05/26/05 AMEND: 1859.2, 1859.81, 1866
 05/24/05 ADOPT: 1859.23 AMEND: 1859.2, 1859.122, 1859.123, 1859.123.1
 05/12/05 ADOPT: 1859.71.4, 1859.78.1 AMEND: 1859.2, 1859.73.2, 1859.79.2, 1859.82, 1859.83, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.164.2
 05/03/05 ADOPT: 20800.1, 20800.2, 20800.3, 20800.4, 20800.5 20800.6, 20800.7, 20800.8, 20800.9, 20801.1, 20801.2, 20801.3 AMEND: 20800, 20801, 20802

05/02/05 ADOPT: 18640 AMEND: 18941.1,
18946, 18946.1, 18946.2, 18946.4
04/26/05 AMEND: 1859.2, 1859.42
04/19/05 AMEND: 172.4, 172.5, 172.6, 172.7,
172.8, 172.9, 172.10
03/21/05 AMEND: 549.70, 549.71, 549.72, 549.74
03/02/05 AMEND: 1859.73.2, 1859.145.1

Title 3

07/21/05 AMEND: 6400
07/11/05 AMEND: 3423(b)
07/01/05 AMEND: 2311(b)
06/27/05 ADOPT: 3591.18
06/22/05 AMEND: 3430(b)
06/09/05 ADOPT: 3700
06/03/05 ADOPT: 3963
05/23/05 AMEND: 3636(a)(c)
05/16/05 AMEND: 6388
05/09/05 ADOPT: 1392.2(t), 1392.4(h), 1392.4(i),
1392.4(j), 1392.9(c), 1392.9(d),
04/15/05 AMEND: 1446.9(c), 1454.16(c)
04/04/05 AMEND: 6400
03/07/05 ADOPT: 1392.8.1(3) AMEND:
1392.8.1.(2)

Title 4

06/27/05 ADOPT: 10175, 10176, 10177, 10178,
10179, 10180, 10181, 10182, 10183,
10184, 10185, 10186, 10187, 10188,
10189, 10190, 10191
05/26/05 ADOPT: 7030, 7031, 7032, 7033, 7034,
7035, 7036, 7037, 7038, 7039, 7040,
7041, 7042, 7043, 7044, 7045, 7046,
7047, 7048, 7049, 7050
04/27/05 AMEND: 1844, 1845
04/04/05 ADOPT: 10300, 10302, 10305, 10310,
10315, 10317, 10320, 10322, 10325,
10326, 10327, 10328, 10330, 10335,
10337
03/22/05 AMEND: 12250, 12270, 12271, 12272

Title 5

07/12/05 AMEND: 22000
06/23/05 ADOPT: 11992, 11993, 11994
06/22/05 ADOPT: 11967.6, 11967.7, 11967.8
AMEND: 11967, 11968, 11969
06/20/05 ADOPT: 19817.1, 19826.1, 19828.1,
19837 AMEND: 19813, 19814, 19814.1,
19817, 19826, 19828
06/09/05 ADOPT: 11511.6, 11516.6, 11516.7,
11517.5 AMEND: 11510, 11511,
11515.5, 11512, 11512.5, 11513, 11513.5,
11514, 11516, 11516.5, 11517
06/08/05 ADOPT: 17101 AMEND: 9531
06/01/05 AMEND: 41500, 41503, 41504, 41505
05/26/05 AMEND: 80413
05/26/05 AMEND: 30060

05/06/05 ADOPT: 18220.2, 18224.2, 18224.4,
1840.5, 18249 AMEND: 18220, 18240,
18248
05/06/05 ADOPT: 18092.5 AMEND: 18066,
18069, 18078, 18081, 18083, 18084,
18092, 18103, 18106, 18109, 18110
05/06/05 ADOPT: 3075.1, 13075.2, 13075.3,
13075.4 AMEND: 13075
05/06/05 ADOPT: 19850, 19851, 19852, 19853,
19854 AMEND: 19813, 19814, 19814.1
05/05/05 ADOPT: 80021, 80021.1
04/14/05 AMEND: 19836
03/24/05 ADOPT: 80307 AMEND: 80300, 80303,
80310, 80412 REPEAL: 80307
03/21/05 AMEND: 19828.1
03/02/05 AMEND: 55607, 59509 REPEAL: 55310

Title 8

06/28/05 AMEND: 3541, 3542, 3543, 3544, 3545,
3546, 3548, 3549
06/20/05 AMEND: 3649, 3651(a)
06/20/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,
9767.5, 9767.6, 9767.7, 9767.8, 9767.9,
9767.10, 9767.11, 9767.12, 9767.13,
9767.14
06/15/05 AMEND: 1670(b)(11)(B)
06/10/05 ADOPT: 9768.1, 9768.2, 9768.3, 9768.4,
9768.5, 9768.6, 9768.7, 9768.8, 9768.9,
9768.10, 9768.11, 9768.12, 9768.13,
9768.14, 9768.15, 9768.16, 9768.17
06/10/05 ADOPT: 9785.4, 9805.1 AMEND: 9725,
9726, 9727, 9785, 9785.2, 9785.3, 9805,
10150, 10152, 10156, 10158, 10160,
10161, 10163, 10165.5 REPEAL: 10151,
10154
06/06/05 ADOPT: 10133.50, 10133.51, 10133.52,
10133.53, 10133.54, 10133.55, 10133.56,
10133.57, 10133.58, 10133.59, 10133.60
05/31/05 ADOPT: 32032, 32033, 32034, 32035,
32606, 32607, 32608, 32609, 81000,
81005, 81010, 81020, 81030, 81040,
81050, 81055, 81060, 81065, 81070,
81075, 81080, 81090, 81100, 81105,
81110, 81115, 81120, 81125, 81130,
81135, 81140, 81145, 81150, 81155,
81160,
05/24/05 AMEND: 3999
05/12/05 AMEND: 9789.11
04/29/05 AMEND: 3456
04/28/05 AMEND: 1637
04/19/05 REPEAL: 16003
04/14/05 AMEND: 8354, 8397.10, 8397.11,
8397.12, 8397.13.
04/06/05 AMEND: 230.2
04/06/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9,
9792.10, 9792.11 REPEAL: 9792.6
03/16/05 AMEND: 344.30

03/08/05 AMEND: 15220, 15220.1, 15220.3, 15220.4

03/07/05 AMEND: 5144

Title 9

03/25/05 ADOPT: 13000, 13005, 13010, 13015, 13020, 13025, 13030, 13035, 13040, 13045, 13050, 13055, 13060, 13065, 13070, 13075 AMEND: 9846, 10125, 10564

Title 10

07/07/05 AMEND: 4010, 4011, 4013, 4016, 4018, 4019, 5000, 5001, 5002, 5003, 5005, 5006, 5007, 5008, 5009, 5010, 5013, 5020, 5050, 5051, 5060, 5061, 5070, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 5118, 5119, 5260, 5261, 5262, 5263, 5264, 5266, 5267, 5268,

06/30/05 AMEND: 2699.6600, 2699.6809

06/23/05 AMEND: 2498.6

06/22/05 AMEND: 260.102.14

06/03/05 AMEND: 2698.70, 2698.71

06/03/05 AMEND: 2698.61, 2698.62

05/05/05 ADOPT: 2805, 2805.5, 2805.9, 2805.11, 2806, 2807, 2807.1, 2807.2, 2807.3, 2807.4, 2808, 2809, 2809.1, 2809.2, 2809.3, 2809.5, 2810, 2810.5, 2811 AMEND: 2814 REPEAL: 2805, 2805.1, 2805.1.5, 2806, 2806.5, 2810, 2810.1, 2810.2, 2810.3, 2810.4, 2810.6, 28

04/29/05 AMEND: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41 REPEAL: 2698.40, 2698.41, 2698.42, 2698.43, 2698.44, 2698.45

04/01/05 AMEND: 260.140.72, 260.140.72.1, 260.140.72.5

04/01/05 ADOPT: 2218.60, 2218.61, 2218.62, 2218.63

03/25/05 AMEND: 1556

03/17/05 ADOPT: 2712 AMEND: 2835, 2840, 2840.1, 2851, 2930

03/02/05 AMEND: 2318.6, 2353.1, 2354

Title 11

06/24/05 AMEND: 63.2

06/15/05 AMEND: 1053

06/15/05 AMEND: 1005, 1007, 1008

06/13/05 ADOPT: 308, 312.1 AMEND: 300, 301, 302, 303, 304, 305, 306, 307, 310, 311, 312

05/11/05 ADOPT: 61.9

05/09/05 ADOPT: 28.4

05/04/05 ADOPT: 51.25

05/04/05 ADOPT: 51.23

05/04/05 ADOPT: 61.8

05/04/05 AMEND: 51.2

05/04/05 AMEND: 51.7

05/03/05 AMEND: 51.15

05/03/05 AMEND: 51.24

05/03/05 AMEND: 51.12

05/03/05 AMEND: 51.14

03/30/05 ADOPT: 2037, 2038 AMEND: 2010, 2037, 2038, 2050

03/30/05 AMEND: 970, 970.1, 971, 972, 972.1, 972.2, 972.4, 972.5, 972.6, 972.7, 972.9, 973, 973.1, 974, 974.1, 975, 975.1, 975.2, 975.3, 975.4, 975.5, 975.6, 976, 976.1, 976.2, 976.3, 976.4 REPEAL: 975.1

03/15/05 ADOPT: 996

Title 12

06/14/05 AMEND: 503(f)

Title 13

07/27/05 AMEND: 350.24

07/19/05 ADOPT: 15.04

05/31/05 AMEND: 551.1, 551.6, 555, 558, 560, 561, 580, 583, 585, 586, 595, 597

05/03/05 ADOPT: 159.10

03/30/05 AMEND: 25.15, 25.18, 25.19, 25.22

03/21/05 ADOPT: 2011 AMEND: 2180.1, 2181, 2184, 2185, 2186, 2192, 2194

03/10/05 AMEND: 2260, 2262, 2262.4, 2262.5, 2262.6, 2262.9, 2263, 2265, 2266.5

Title 13, 17

07/05/05 ADOPT: 2299 (Title 13), 93117 (Title 17) AMEND: 2281 (Title 13), 2282 (Title 13), 2284 (Title 13)

Title 14

07/21/05 AMEND: 18419

07/19/05 AMEND: 354, 360, 361, 362, 363, 478.1, 708

07/13/05 AMEND: 122 REPEAL: Appendix A, Form DFG 122

06/21/05 AMEND: 895, 895.1, 1038, 1038(f)

06/09/05 AMEND: 782

06/09/05 AMEND: 27.80

05/12/05 AMEND: 120.01

05/12/05 AMEND: 180.3

05/11/05 AMEND: 180.15

05/11/05 AMEND: 150.03

05/11/05 AMEND: 231

05/11/05 AMEND: 150.05

05/11/05 AMEND: 601

05/10/05 AMEND: 150

05/10/05 AMEND: 150.02

05/10/05 AMEND: 551

05/05/05 AMEND: 165

04/25/05 ADOPT: 18456.2.1, 18460.2.1 AMEND: 18449, 18450, 18451, 18456, 18459, 18459.1, 18459.2.1, 18459.3, 18461, 18462

04/25/05 AMEND: 851.23

04/25/05 ADOPT: 1038(i) AMEND: 1038(e)
 04/22/05 AMEND: 149.1
 04/19/05 AMEND: 670.2
 04/13/05 AMEND: 2030, 2305, 2310, 2505, 2960
 04/11/05 ADOPT: 4970.02, 4970.03, 4970.04,
 4970.05, 4970.06, 4970.07, 4970.08,
 4970.09, 4970.10, 4970.11, 4970.12,
 4970.13, 4970.14, 4970.15, 4970.16,
 4970.17, 4970.18, 4970.19, 4970.20,
 4970.21 AMEND: 4970.00, 4970.01 RE-
 PEAL: 4970.02, 4970.03, 4970.04,
 4970.05
 04/07/05 ADOPT: 1.71 AMEND: 2.09, 2.10, 5.00
 04/04/05 AMEND: 119900
 03/30/05 AMEND: 825.03, 825.05, 826.01,
 826.03, 829.04, 829.05, 827.02
 03/30/05 AMEND: 852, 852.2, 852.3
 03/28/05 ADOPT: 53.00, 53.01, 53.02, 53.03,
 149.1, 149.3 AMEND: 149
 03/25/05 ADOPT: 745.5 AMEND: 746
 03/14/05 AMEND: 150
 03/08/05 AMEND: 29.05, 29.40, 30.00, 120.7,
 122, 123, 149, 165, 180, 630, 632, 747
 REPEAL: 27.20, 27.25, 27.30, 27.35,
 27.40, 27.42, 27.45, 27.50, 27.51, 630.5

Title 15

07/07/05 ADOPT: 3187 AMEND: 3006, 3188,
 3189, 3331
 06/27/05 REPEAL: 3999.1.7
 06/22/05 AMEND: 2000, 2400, 2403
 06/21/05 REPEAL: 3999.1.3
 06/21/05 REPEAL: 3999.1.2
 06/15/05 AMEND: 3335
 06/08/05 ADOPT: 2251.5, 2251.6, 2251.7
 AMEND: 2041, 2072, 2073, 2074 RE-
 PEAL: 2050, 2051, 2052, 2054, 2055,
 2056, 2701
 06/02/05 AMEND: 1006, 1010, 1018, 1020, 1021,
 1023, 1025, 1028, 1029, 1045, 1046,
 1051, 1052, 1065, 1083, 1144, 1206,
 1209, 1240, 1241, 1242, 1243, 1245,
 1246, 1247, 1248, 1262, 1265, 1267,
 1270, 1271 REPEAL: 1218
 06/01/05 ADOPT: 4141, 4141.1
 05/26/05 AMEND: 3287

Title 16

07/27/05 AMEND: 2085.2
 07/26/05 AMEND: 418
 07/22/05 AMEND: 1888
 07/22/05 AMEND: 109, 116, 117
 07/21/05 ADOPT: 1070.5
 07/18/05 ADOPT: 1399.327, 1399.350.5,
 1399.352.7, 1399.372.5
 07/12/05 AMEND: 1397.51
 07/06/05 ADOPT: 1922.3, 1993.1 AMEND:
 1950.5, 1951, 1953

07/05/05 ADOPT: 1399.454 AMEND: 1399.450,
 1399.451
 07/05/05 ADOPT: 1398.26.1
 06/22/05 AMEND: 1041
 05/31/05 AMEND: 4154
 05/12/05 AMEND: 1491
 05/10/05 ADOPT: 2293, 2294
 04/28/05 ADOPT: 1070.3
 04/25/05 AMEND: 1805.1, 1807, 1807.2, 1811,
 1816, 1816.1, 1816.4, 1833, 1833.1,
 1833.2, 1846, 1846.1, 1850.7, 1874,
 1886, 1887.4, 1887.9, 1889, 1889.1,
 1889.2, 1889.3
 04/21/05 AMEND: 1399.155
 04/21/05 AMEND: 1398.38
 04/14/05 AMEND: 1398.30
 04/14/05 AMEND: 54.1, 54.2
 04/14/05 AMEND: 1071, 1083
 03/28/05 AMEND: 1399.688
 03/17/05 ADOPT: 869.1, 869.2, 869.3, 869.4,
 869.5
 03/16/05 ADOPT: 4160, 4161, 4162, 4163
 03/08/05 ADOPT: 4200, 4202, 4204, 4206, 4208,
 4210, 4212, 4216, 4218, 4220, 4222,
 4224, 4226, 4230, 4232, 4234, 4236,
 4240, 4242, 4244, 4246, 4248, 4250,
 4252, 4254, 4256, 4258, 4260, 4262,
 4264, 4266, 4268
 03/08/05 ADOPT: 2624.1 AMEND: 2604, 2615,
 2624
 03/07/05 ADOPT: 1358.1
 03/07/05 ADOPT: 2755 AMEND: 2756
 03/03/05 AMEND: 1399.500, 1399.501, 1399.
 502, 1399.506, 1399.512, 1399.521,
 1399.530, 1399.543, 1399.546 REPEAL:
 1399.519, 1399.522, 1399.553, 1399.554,
 1399.555

Title 17

07/22/05 ADOPT: 50243, 50245, 50247, 50249,
 50251, 50253, 50255, 50257, 50259,
 50261, 50262, 50263, 50265, 50267
 07/11/05 AMEND: 54319
 06/23/05 AMEND: 60201, 60202, 60205, 60210
 06/22/05 ADOPT: 30194.1, 30194.2 AMEND:
 30100, 30145, 30145.1, 30225, 30230,
 30231, 30408, 30535 REPEAL: 30232
 06/20/05 AMEND: 94501, 94506, 94507, 94508,
 94509, 94510, 94512, 94513, 94515,
 94526, & Test Method
 05/18/05 AMEND: 50604, 50605, 54310, 54320,
 54326, 54332, 54335
 05/12/05 ADOPT: 1029.117, 1029.134, 1031.8,
 1031.9, 1032.5, 1035.3, 1035.4
 05/02/05 ADOPT: 50243, 50245, 50247, 50249,
 50251, 50253, 50255, 50257, 50259,
 50261, 50262, 50263, 50265, 50267

04/26/05 AMEND: 3030
 04/04/05 AMEND: 93115
 03/30/05 ADOPT: 54351, 58800, 58811, 58812,
 AMEND: 54302, 54310, 54320, 54370
 03/24/05 AMEND: 94011
 03/03/05 ADOPT: 90805, 90806 AMEND:
 90800.8, 90803

Title 18

07/08/05 ADOPT: 4056.1
 06/07/05 ADOPT: 1160, 1214, 1331.2, 1425, 2257,
 2333, 2425, 2520, 3005, 3303, 3503,
 4031.1, 4905
 05/05/05 AMEND: 18522, 18526, 18523, 18530
 05/04/05 AMEND: 6001
 04/29/05 ADOPT: 4056.1
 04/07/05 AMEND: 1703
 03/30/05 AMEND: 5041, 5073, 5076, 5082.2
 03/18/05 AMEND: 1566
 03/18/05 AMEND: 27
 03/15/05 ADOPT: 20501, 20502, 20503, 20504,
 20505
 03/08/05 AMEND: 1610
 03/03/05 AMEND: 1620

Title 19

05/26/05 AMEND: 3.11

Title 20

07/26/05 AMEND: 1340, 1341, 1342, 1343, 1344
 03/16/05 AMEND: 1601, 1602, 1603, 1605.1,
 1605.2, 1605.3, 1606, 1607, 1608
 03/07/05 ADOPT: 2.3.1 AMEND: 8.2

Title 21

06/03/05 ADOPT: 4059, 4060, 4062.1, 4066, 4067,
 4069, 4072.1 AMEND: 4050, 4052, 4055,
 4056, 4057, 4058, 4061, 4062, 4063,
 4064, 4070, 4071, 4072, 4073 REPEAL:
 4065

Title 22

07/11/05 AMEND: 70217
 07/06/05 ADOPT: 72516, 73518
 06/30/05 AMEND: 90417
 06/02/05 ADOPT: 51000.10.1, 51000.15.1,
 51000.20.9, 51000.31, 51000.51,
 51000.52, 51000.53, 51000.60 AMEND:
 51000.1, 51000.1.1, 51000.3, 51000.4,
 51000.6, 51000.7, 51000.16, 51000.30,
 51000.35, 51000.40, 51000.45, 51000.50,
 51000.55, 51051, 51451
 05/17/05 AMEND: 66250.1, 66250.2
 05/05/05 ADOPT: 97251, 97252, 97253, 97254,
 97255, 97256, 97257, 97258, 97259,
 97260, 97261, 97262, 97263, 97264,
 97265 AMEND: 97210, 97211, 97212,
 97213, 97215, 97216, 97218, 97219,

97220, 97221, 97222, 97223, 97224,
 97225, 97226, 97227, 97228, 97229,
 97230,

04/21/05 AMEND: Appendix

04/11/05 AMEND: 111430

04/11/05 AMEND: 66260.201

03/24/05 AMEND: 70577, 70717, 71203, 71517,
 71545

03/23/05 ADOPT: 96000, 96005, 96010, 96015,
 96020, 96025

03/23/05 ADOPT: 50960.2, 50960.4, 50960.9,
 50960.12, 50960.15, 50960.21, 50960.23,
 50960.26, 50960.29, 50960.32, 50960.36,
 50961, 50965 AMEND: 50962, 50963,
 50964 REPEAL: 50960, 50961

03/14/05 AMEND: 926.3, 926.4, 926.5

03/10/05 AMEND: 70217

03/03/05 REPEAL: 12901

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07/25/05 ADOPT: 3298

07/22/05 ADOPT: 3979

07/13/05 ADOPT: 3420, 3421, 3422, 3423, 3424,
 3425, 3426, 3427, 3428

06/20/05 ADOPT: 499.4.1.1, 499.4.1.2, 499.4.2,
 499.6.3 AMEND: 499.1, 499.2, 499.3,
 499.4, 499.4.1, 499.5, 499.6, 499.6.1,
 499.7, 499.8 REPEAL: 499.6.2

06/13/05 ADOPT: 18459.1.2, Form CIWMB 203,
 Form 204 AMEND: 18449, 18450,
 18451, 18453.2, 18456, 18456.2.1,
 18457, 18459, 18459.1, 18459.2.1,
 18459.3, 18460.1, 18460.1.1, 18460.2,
 18460.2.1, 18461, 18462, 18463, 18464,
 18466, Penalty Table 1, Penalty Table 2

05/31/05 ADOPT: 2917

05/23/05 ADOPT: 3939.14

05/17/05 AMEND: 645

03/28/05 AMEND: 2611

03/11/05 ADOPT: 3944.1

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07/22/05 ADOPT: 1019, 1105, 1276, 2105, 2276

07/11/05 AMEND: 8002, 8004, 8012, 8014

07/07/05 ADOPT: 8439, 8439.1, 8439.2, 8439.3,
 8439.4, 8440, 8440.1, 8440.2, 8440.3,
 8441, 8441.1, 8441.2, 8441.3, 8441.4,
 8441.5, 8442, 8442.1, 8442.2, 8442.3,
 8442.4, 8442.5, 8442.6, 8442.7, 8442.8,
 8442.9, 8442.10, 8442.11, 8443, 8443.1,
 8443.2, 8443.3, 8443.4,

04/25/05 AMEND: 7056, 7060, 7062.1, 7064,
 7066, 7078.4

04/14/05 ADOPT: 7340, 7341, 7342, 7343, 7344,
 7345, 7346, 7347

04/07/05 AMEND: 6935, 6935.2

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07/25/05 AMEND: 1300.74.30
06/17/05 AMEND: 1300.70.4

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06/29/05 AMEND: 63.103.2, 63-300.5, 63-402.229, 63-503.441, 63-509(b), 63-509(c), 63-801.737(QR)
06/15/05 AMEND: 80027, 80036, 87224, 87228, 87834, 87836, 101178, 101187, 102384

05/09/05 AMEND: 80044, 80045, 80066, 80070, 84063, 87344, 87345, 87566, 87570, 87571, 87725, 87725.12, 87844, 87866, 87870, 88069.7, 88070, 89119, 89182, 89244, 89245, 89370, 89566, 101200, 101201, 101217, 101221, 102391, 102392

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04/22/05 AMEND: 42-101

